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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,332	12/28/2001	Bryan Alvin Dougherty	GEH-01-092	8944

7590 05/05/2003

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EXAMINER

GRAHAM, MATTHEW C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034332

Applicant(s)

DOUGHERTY ET AL.

Examiner

GRAHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The drawings are objected to because the numeral 12 is not shown and 14 is mislabeled. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 11-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skantar '93~~9~~ in view of Mixon.

Skantar shows a method and system for diagnosing a braking system using portable radio analyzer 40, see Fig. 6, that retrieves data from a brake pipe pressure sensor to be analyzed to perform maintenance -- see column 13, line 38 -- column 17, line 20. A reservoir, valve and brake cylinder is inherent in Skantar.

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The claimed invention differs from Skantar only in specifying that the portable unit is hand held.

Mixon shows a brake analyzer that is hand held, see column 8, lines 23-41.

It would have been obvious to one of ordinary skill in the art to have made the portable unit of Skantar a hand held device in view of the teaching of Mixon as a matter of miniaturization or as a substitute of known equivalent portable devices.

Re-claim 2, the analyzer 40 of Skantar compiles data from the sensor.

Re-claims 3-4, Skantar queries the feed valve to the same degree as that of Applicants in that both query a pressure sensor.

Re-claims 5-7, Skantar inherently includes a display.

Re-claim 8, storing information is commonplace and would have been obvious to one of ordinary skill in the art so as to compile data for further review.

Re-claims 11-17, note the above discussion. Re-claims 20 and 21, note above discussion of claims 5-7.

5. Claims 9-10, 18-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skantar '934, as modified by Mixon as applied to claims 7, 17 and 21 above, and further in view of Bessler et al.

Re claims 9, 10, 18, 19 and 22, the claimed invention differs from Skantar, as modified by Mixon, only in the use of linking the data to a mobile or central processing station.

Bessler shows such a system -- see Fig. 2. It would have been obvious to one of ordinary skill in the art to have communicated the data of Skantar, as modified, to

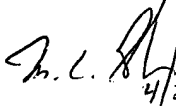
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another location, mobile unit, web page, etc. in view of the teaching of Bessler so as to better control and operate multiple trains in a system.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clements, Gaughan, DeLaruelle and Nichols et al. show brake testing systems.

7. Any inquiry concerning this communication should be directed to Mr. Graham at telephone number (703) 308-1113.

Graham/kl
April 4, 2003


4/23/2003
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310